

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for ) DOCKET NO. 930772-WU  
Certificate to Provide Water ) ORDER NO. PSC-93-1794-FOF-WU  
Service in Okaloosa Under ) ISSUED: December 15, 1993  
Grandfather Rights by DESTIN )  
UTILITY COMPANY, INC. )  
\_\_\_\_\_)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
SUSAN F. CLARK  
JULIA L. JOHNSON

ORDER REQUIRING SERVICE TERRITORY DESCRIPTION

BY THE COMMISSION:

On August 3, 1993, Destin Utility Company, Inc. (hereinafter referred to as Destin or utility) filed its application for a grandfather certificate pursuant to Section 367.171, Florida Statutes. Destin is a class C utility which provides water service to approximately 56 customers in Okaloosa County.

On October 20, 1992, the Board of County Commissioners of Okaloosa County adopted Resolution No. 92-131 pursuant to Section 367.171 Florida Statutes, declaring that as of October 20, 1992, the water and wastewater utilities in that county would become subject to the provisions of the Water and Wastewater Regulatory Law, Chapter 367, Florida Statutes. This Commission acknowledged the resolution on December 3, 1992, by Order No. PSC-92-1409-FOF-WS. At the time of the Commission's assumption of jurisdiction, the water service was provided under the name of Destin Utility Company, Inc. and the wastewater service was provided under the name of Sunstates Utilities, Inc. (Sunstates). Destin Utility Company, Inc. was organized December 6, 1985, to develop and operate a water company for the purpose of providing water service to 2,000 acres of property. Sunstates Utilities, Inc. was organized in 1988 for the purpose of providing wastewater service to areas within Okaloosa County east of Destin, Florida.

Subsequently, since Destin Ecological Systems, Inc. was established in 1992 for the purpose of combining the resources and assets of Destin and Sunstates, it filed for grandfather certificates under the name of Destin Ecological Systems, Inc., and Docket No. 930156-WS was opened to process this application.

DOCUMENT NUMBER-DATE

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FPSC-REGISTRATION REPORTING

However, because of the delay in the merger/acquisition of the two companies, on June 11, 1993, a request to withdraw the grandfather application was received. Subsequently, two separate applications for grandfather certificates under the names Destin Utility Company, Inc. and Eastdestin Wastewater Service, Inc. were filed on August 3, 1993, pursuant to Section 367.171, Florida Statutes.

According to Section 367.171, Florida Statutes, a utility is entitled to a grandfather certificate for "the area served by such utility on the day this chapter becomes applicable to it." Though our staff has requested a territorial description of the service area currently being served, pursuant to Section 367.171(2)(b), Florida Statutes, Destin has not yet provided the information to complete its grandfather application. Destin has provided a territory description for the entire territory being requested, which is more than, and adjacent to, the territory currently being served.

In consideration of the above, we find that Destin shall supply a territory description for the service area currently being served within thirty days of the issuance of this Order. If this information is not supplied within thirty days of the issuance of this Order, the utility shall file an application for an original certificate pursuant to Section 367.171(2)(b), Florida Statutes.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Destin Utility Company, Inc. shall provide a territory description for the territory being served as of October 20, 1992. It is further

ORDERED that if this information is not received within thirty days of the issuance of the Order, the utility shall file an application for an original certificate. It is further

By ORDER of the Florida Public Service Commission, this 15th day of December, 1993.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )  
JBL

ORDER NO. PSC-93-1794-FOF-WU  
DOCKET NO. 930772-WU  
PAGE 3

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.